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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,865	06/16/2000	Christopher Reynolds Hammond	RD28052	2761

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EXAMINER

HOLMES, MICHAEL B

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 05/08/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/595,865

Applicant(s)

HAMMOND ET AL.

Examiner

Michael B. Holmes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:



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Examiner's Detailed Office Action

1. This action is responsive to application **09/595,865**, filed **June 16, 2000**.
2. **Claims 1-28** have been examined.

Information Disclosure Statement

3. Applicant is respectfully remind of the ongoing Duty to disclose 37 C.F.R. 1.56 all pertinent information and material pertaining to the patentability of applicant's claimed invention, by continuing to submitting in a timely manner PTO-1449, Information Disclosure Statement (IDS) with the filing of applicant's of application or thereafter.

Drawings

4. The formal drawings submitted on **August 18, 2000**, have been reviewed by the USPTO Office of Draftperson's Patent Drawings Review.

Specification

5. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is required in correcting any errors of which applicant may become aware in the specification. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. **Claims 1, 3-19, 21-28** are rejected under 35 U.S.C. 102(e) as being anticipated by, Hutsch et al., United States Patent Application Publication (Pub. No.: US 2001/0034771 A1), Pub. Date: Oct. 25, 2001, Foreign Application (00100738.4) Priority Date: January 14, 2000.

As per Independent claims 1 & 19, 12 & 27, respectively, Hutsch et al. describes a system and method:

As per Claim 1, Hutsch et al. teaches a system for producing a process advisor application, said system comprising: means for creating a decision tree (**Summary of the Invention, page 2, [0029]**); means for compiling said decision tree into a data file (**Detailed Description, page 6, [0106] & page 46, [0637]**); and means for converting said data file into one or more computer viewable documents (**Detailed Description, page 5, [0086]**).

As per Claim 19, Hutsch et al. teaches a method for producing a process advisor application, said method comprising: creating a decision tree (**Summary of the Invention, page 2, [0029]**); compiling said decision tree into a data file (**Detailed Description, page 6, [0106] & page 46, [0637]**); and converting said data file into one or more computer viewable documents (**Detailed Description, page 5, [0086]**).

As per Claim 12, Hutsch et al. teaches a system for producing a web-based process advisor application, said system comprising: a process mapping program for creating a decision tree (**Brief Description of the Drawings, page 3, [0054] FIG. 1A; Summary of the Invention, page 2, [0029]**); a compiler for compiling said decision tree into a data file (**Detailed Description, page 6, [0106] & page 46, [0637]**); means for converting said data file into one or more web pages (**Brief Description of the Drawings, page 3, [0054] FIG. 1A; Detailed Description, pages 4-5, [0081]-[0086]**); and a memory for storing said web pages (**Brief Description of the Drawings, page 3, [0054] FIG. 1A; Detailed Description, page 4-5, [0081]-[0086]**).

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As per Claim 27, Hutsch et al. teaches a method for producing a web-based process advisor application, said method comprising: providing a first computer system having a process mapping program and a compiler (**Brief Description of the Drawings, page 4, [0068] FIG. 12A to FIG. 12C; Detailed Description, page 6, [0106]**); providing a second computer system having a servlet program and a web server (**Summary of the Invention, page 2, [0025]; Brief Description of the Drawings, page 4, [0058] FIG. 3A & [0059] FIG. 3B; Detailed Description, page 6, [0106]**); using said process mapping program to create a decision tree (**Summary of the Invention, page 2, [0029]**); using said compiler to compile said decision tree into a data file (**Detailed Description, page 6, [0106] & page 46, [0637]**); and using said servlet program to convert said data file into one or more web pages (**Summary of the Invention, page 2, [0025]**).

As per claim 3, 13, & 21, the system wherein said means for compiling is a compiler that traverses said decision tree and generates an array that represents said decision tree. **Rejected** for the same reasons as claim 1 & 19.

As per claim 4, 14, & 22, the system wherein said array is an XML file. **Rejected** for the same reasons as claim 1 & 19.

As per claim 5, 15, & 23, the system wherein said means for converting is a Java servlet. (**Summary of the Invention, page 2, [0025]**)

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As per claim 6, 7, 8, 9, 16, 18, 24-28, the system further comprising means for storing said computer viewable documents. (**Brief Description of the Drawings, page 3, [0054] FIG. 1A; Detailed Description, page 4-5, [0081]-[0089]**).

As per claim 10, 11, & 17, the system wherein said means for creating and said means for compiling are loaded on a first computer system and said means for converting are loaded on a second computer system. (**Brief Description of the Drawings, page 3, [0054] FIG. 1A; Detailed Description, page 5, [0088]-[0089]**)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been **obvious** at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 2 & 20**, rejected under 35 U.S.C. 103(a) as being unpatentable over Hutsch et al., United States Patent Application Publication (Pub. No.: US 2001/0034771 A1), Pub. Date: Oct. 25, 2001, Foreign Application (00100738.4) Priority Date: January 14, 2000. Hutsch et al., fail to teach the system wherein said means for creating is an off-the-shelf process mapping program. However, "Official Notice" that an off-the-shelf process mapping program is old and well known in the computer arts, especially in light of (**Applicant's admission, Specification page 5, paragraph 2**). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include an off-the-shelf process mapping program,

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because (a) the high rate of compatibility for Microsoft off-the-shelf process mapping programs and (b) the mere fact that there would be a saving in cost and engineering man-hours employing a off-the-shelf process mapping program .

Conclusion

10. The prior art made of record and (listed of form **PTO-892**) not relied upon is considered pertinent to applicant's disclosure as follows. Applicant or applicant's representative is respectfully reminded that in process of patent prosecution i.e., amending of claims in response to a rejection of claims set forth by the Examiner per Title 35 U.S.C. The patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and any objections made. Moreover, applicant or applicant's representative must clearly show how the amendments avoid or overcome such references and objections. *See 37 CFR § 1.111(c).*

Correspondence Information

11. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Michael B. Holmes** who may be reached via telephone at **(703) 308-6280**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding After Final issues, please send it to **(703) 746-7238**. If you need to send an Official facsimile transmission, please send it to **(703) 746-7239**. If you would like to send a Non-Official (draft)

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facsimile transmission the fax is (703) 746-7240. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, John Follansbee, may be reached at (703) 305-8498.

Any response to this office action should be mailed too:

Director of Patents and Trademarks Washington, D.C. 20231. Hand-delivered responses should be delivered to the Receptionist, located on the fourth floor of **Crystal Park II, 2121 Crystal Drive Arlington, Virginia.**

Michael B. Holmes

Patent Examiner

Artificial Intelligence

Art Unit 2121

United States Department of Commerce

Patent & Trademark Office

Wilbert L. Starks, Jr.
Primary Examiner
Art Unit - 2121

